CAP. CVII.

An Act to amend the Laws relating to the Militia, and for raising a Volunteer Militia Force, in *Ireland*. [11th *August* 1854.

'WHEREAS it is expedient to amend the Laws relating to the Militia in *Ireland*, and to make Provision for raising a Militia Force in *Ireland* by voluntary Enlistment:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Number of Militia to be raised.

I. It shall be lawful for the Lord Lieutenant of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, to raise and from Time to Time to keep up in *Ireland* any Number not exceeding Thirty thousand Private Militia Men, to serve for the several and respective Counties for which Regiments or Battalions of Militia are under the Act of the Forty-ninth Year of King *George* the Third, Chapter One hundred and twenty, required to be raised.

Quotas of Counties to be fixed by Order in Council.

II. It shall be lawful for the said Lord Lieutenant, with the Advice of the said Privy Council, forthwith after the passing of this Act, and afterwards from Time to Time as Occasion may appear to him to require, to ascertain and fix the Number of Militia Men who shall, until other Quotas shall be fixed in like Manner, serve for each County, and the Number so fixed as aforesaid shall be transmitted to the Lieutenant of such County from Time to Time, and Notice of the same shall be published in the *Dublin Gazette*, and the Number so from Time to Time appointed shall be the Quota of such County, until some other Quota is appointed in like Manner.

Lord Lieutenant may direct into what Regiments, &c. Militia shall be formed, and with what Officers and Staff.

III. It shall be lawful for the Lord Lieutenant, by Order signified by his Chief or Under Secretary, from Time to Time to direct the Lieutenants of Counties in *Ireland* to form the Militia of their Counties into such Companies, Regiments, Battalions, or Corps as to the Lord Lieutenant may seem fit, and to direct what Number of Officers and of what respective Ranks shall be appointed thereto, and what shall constitute the Staff thereof; and where the Number of Militia Men required to be raised for any County appears to the Lord Lieutenant insufficient to be conveniently formed into a separate Regiment, Battalion, or Corps, to direct the Militia of such County to be united with the Militia of any County adjoining.

Lord Lieutenant may make Regulations as to Qualification for Service of Officers.

IV. It shall be lawful for the Lord Lieutenant from Time to Time to make Regulations limiting the Ages at which Persons may be appointed Officers of the several Ranks in the Militia, and for securing the Appointment of Persons as such Officers who are qualified to discharge the Duties of Officers of their respective Ranks, and also for that Purpose to prescribe by such Regulations any Conditions, as to Drill, Training, and Exercise, or otherwise, under or subject to which any such Appointment shall be made.

Provisions as to certain Property Qualifications repealed.

V. So much of any Act now in force as requires Property Qualifications in the Case of Persons to be appointed Officers in the Militia in *Ireland* shall, save as respects Appointments to the Rank of Captain or any higher Rank, be repealed.

Qualification of Deputy Lieutenant, Captain, or Officer of higher Rank.

VI. For the Purposes of the Qualification of any Captain or Officer of higher Rank in the Militia, it shall not be necessary that all or any Part of the Estate required to confer such Qualification be situate in *Ireland*, but such Estate may be situate in any Part of the United Kingdom, and a clear yearly Income arising from any Personal Estate within the United Kingdom, of or to which Personal Estate or the yearly Income thereof such Officer is possessed or entitled at Law or in Equity for his own Use and Benefit, in possession for his own Life, or for the Life of his Wife, or for some greater Estate or Interest, shall be deemed equivalent to an Estate in Lands of a yearly Value of the same Amount with such yearly Income, and such yearly Income from Personal Estate shall be admitted in whole or in part of any such Qualification accordingly.

VII. Any

Persons holding certain Military Ranks may be appointed Officers without Property Qualification.

VII. Any Person holding or having held the Rank of Captain or any higher Rank in Her Majesty's other Forces, or in the Forces of the *East India* Company, may, without any Property Qualification, be appointed a Captain or Major of the Militia; and any Person holding or having held the Rank of Major or any higher Rank in any of the said Forces may, without any Property Qualification, be appointed a Lieutenant-Colonel or Colonel of the Militia; and any Person who shall have been qualified to receive and shall have received a Commission of Major or Lieutenant-Colonel in the Militia shall be qualified to receive and hold a Commission of higher Rank in the Militia.

Power to Lord Lieutenant to appoint Adjutants, &c.

VIII. It shall be lawful for the Lord Lieutenant to appoint from Time to Time such Persons as to him may seem proper to be Adjutants, Quartermasters, Paymasters, Serjeants Major and Serjeants of the Militia; and the Provisions of the Act of the Forty-ninth Year of King *George* the Third, Chapter One hundred and Twenty, applicable to Adjutants appointed by the Colonels as therein provided shall be applicable to Adjutants to be appointed as aforesaid, and any Person who shall actually have served Three Years in the Forces of the *East India* Company may be appointed an Adjutant; and the Corporals and Drummers of each Regiment, Battalion, or Corps shall be appointed from Time to Time by the Colonel or Commandant thereof; Provided always, that while any Regiment, Battalion, or Corps of Militia is drawn out and embodied, it shall be lawful for the Colonel or Commanding Officer of such Regiment, Battalion, or Corps to appoint from Time to Time the Serjeant Major and Serjeants of such Regiment, Battalion, or Corps, as Occasion may require, for supplying any Vacancy or Vacancies, or completing the full Number of such Serjeants.

Corporals and Drummers to be appointed by the Colonel.

Qualification of Surgeons in Militia same as in the Army.

IX. Any Person shall be qualified to serve in the Militia as Surgeon or Assistant Surgeon who shall possess a Diploma, Certificate, or Qualification such as shall be held to qualify such Person to act as Surgeon or Assistant Surgeon in the Army, anything in the said Act of the Forty-ninth of King *George* the Third, Chapter One hundred and twenty, to the contrary notwithstanding.

Existing Officers who are Qualified for Service may continue.

Officers not so continued shall retain their Ranks.

X. All Officers now holding Commissions in the Regular Militia in *Ireland* may, subject to such Regulations as may hereafter be made by the Lord Lieutenant, continue to hold such Commissions in the Militia to be raised under this Act, and to rank in the Militia Service according to the Dates of the Commissions now held by them respectively; and all Officers now holding such Commissions as aforesaid who shall not be so continued under this Act shall notwithstanding continue to hold their present Titles and Ranks as Officers of the Militia; and nothing herein contained shall extend to deprive such Officers not so continued of any Allowances to which they may now be entitled in respect of having held Commissions in the Militia when the same was last disembodied, or otherwise in respect of past Services, or to affect the Provisions authorizing the Grant of any retired or other Allowances to such Officers in respect of having held Commissions or of past Services as aforesaid.

Militia Men to be raised by voluntary Enlistment.

XI. For the Purpose of raising the Number of Men required to be raised under this Act, the Lieutenants of the said several Counties shall, in the Year One thousand eight hundred and fifty-four, as soon as conveniently may be after the passing of this Act, and in the Year One thousand eight hundred and fifty-five at such Time as the Lord Lieutenant shall, by Order made with the Advice of the Privy Council of *Ireland*, appoint for that Purpose, direct the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia of their respective Counties, without Delay, to proceed to raise and enrol Volunteers to serve for the Term of Five Years in the Militia of such Counties, not exceeding the Numbers of Men for the Time being authorized to be therein raised under this Act, and such Colonels or Commanding Officers, and the Commissioned and Non-commissioned Officers of the Militia duly authorized by such Colonels or Commanding Officers, shall forthwith proceed to raise such Volunteers, being resident in the County in which such Men are directed to be raised, or in any County immediately adjoining thereto, and being able-

able-bodied Men between such Ages and of such Height as shall be from Time to Time fixed by Regulations made by Her Majesty's Secretary-at War, as herein provided, and for such Bounties or other Payments as shall be from Time to Time authorized by such Regulations; and the Deputy Lieutenants of Counties shall severally aid the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia of their respective Counties in raising and enrolling Volunteers for such Militia in the several Parishes and Places where such Deputy Lieutenants may be resident, and otherwise as the Lieutenants of such Counties may from Time to Time direct; but no General or Subdivision Meeting shall be holden for that Purpose, unless such Meeting be convened pursuant to any special Order made in this Behalf by the Lord Lieutenant of *Ireland*.

Deputy Lieutenants to aid in raising Volunteers for the Militia.

The Number not raised in any County may be raised as a supplemental Corps in another County.

XII. Provided always, That where the Number of Men for the Time being required to be raised under this Act for any County has not been raised by voluntary Enlistment, it shall be lawful for the Lord Lieutenant, if it appear to him advisable so to do, by Order signed by his Chief or Under Secretary, to authorize and direct all or any Part of such Number of Men as shall be deficient to be raised by voluntary Enlistment in and for any County in which the full Quota may have been raised and kept up.

Secretary-at-War may make Regulations.

XIII. It shall be lawful for Her Majesty's Secretary-at-War from Time to Time to make Regulations as to the Amount of the Sums to be paid to Volunteers under this Act by way of Bounty or periodical Payment or Allowance in consideration of their enlisting in the Militia, such Bounty in no Case to exceed Six Pounds, and such periodical Payment or Allowance in no Case to exceed after the Rate of Two Shillings and Sixpence *per* Month during the Term of Service for which the Volunteer is enrolled, and as to the Time or respective Times, Conditions, and Manner of the Payment thereof, and as to the Ages between which Men may be received as such Volunteers, and as to the Height and for the Examination and Approval by Medical Men of all Men to be raised for the Militia under this Act, and as to all other Matters which, under the Provisions herein-contained, are made subject to Regulations to be made by such Secretary-at-War; and all such Bounties shall be paid out of such Monies as shall be provided by Parliament in this Behalf.

Regulations to be laid before Parliament.

XIV. All Regulations made under this Act shall be laid before both Houses of Parliament within Twenty-one Days next after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, then within Twenty-one Days after the next Meeting of Parliament.

Volunteers to be raised for supplying the Places of Men whose Time is about to expire, and for supplying Vacancies by Death, &c.

XV. The Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia, shall from Time to Time, and so long before the Expiration of the respective Terms of Service of the Militia Men belonging to their respective Regiments, Battalions, or Corps as shall be directed by Regulations to be made by the Secretary-at-War, raise and enrol or cause to be raised and enrolled Volunteers to supply the Places of such Militia Men; and shall from Time to Time, subject to any Regulations to be so made, raise and enrol or cause to be raised and enrolled Volunteers for supplying casual Vacancies by reason of Militia Men dying before the Expiration of their Term of Service, or being promoted to be Non-commissioned Officers or Drummers (except where they are so promoted in the Room of Non-commissioned Officers or Drummers reduced to the Ranks), or being discharged as unfit for Service, or in pursuance of the Sentence of a Court-martial, or having deserted.

Volunteers to be sworn and enrolled.

XVI. Every Volunteer so raised as aforesaid shall, when he has been examined and approved according to such Regulations as shall be made by the Secretary-at-War, take the following Oath:

'I *A.B.* do sincerely promise and swear, That I will be faithful and bear true Allegiance 'to Her Majesty Queen Victoria, and that I will faithfully serve in the Militia in any 'Part of the United Kingdom of Great Britain and Ireland, for the Defence of the same 'during the Time of Five Years for which I am enrolled, unless I shall be sooner dis-'charged:'

inserting therein the Name of the Sovereign for the Time being, which Oath shall and may be administered by any Justice of the Peace or Deputy Lieutenant for the County in which such

uch Volunteer shall have been raised, or in which the Regiment, Battalion, or Corps for which he shall have been raised shall be at the Time of his joining the same; and every such Volunteer shall be enrolled in a Roll, to be prepared and kept by or under the Direction of the Colonel or Commanding Officer, to serve in the Militia for the County for which he is raised as a Militiaman, for the Space of Five Years.

Period of Training and Exercise.

XVII. The Period of Training and Exercise of the Militia in *Ireland* shall, save as herein-after provided, be Twenty-one Days in every Year; and such Militia or any Part thereof may be called out for Training and Exercise more than once in every or any Year, so as the whole Period of Training and Exercise of any Militiaman do not exceed Twenty-one Days in any Year, save as herein-after provided; and the Times and Places of Training and Exercise of the Militiamen serving for each County shall be appointed, with the Approbation of the Lord Lieutenant of *Ireland*, by the Lieutenant of such County.

Lord Lieutenant may, by Order in Council, cause Militia to be exercised out of their own Counties, or extend or reduce the Period of Exercise.

XVIII. Provided always, That it shall be lawful for the Lord Lieutenant from Time to Time, where, with the Advice of the Privy Council of *Ireland*, he may see fit, to order all or any Part of the Militia to be marched out of their own respective Counties into any Part of *Ireland*, for the Purpose of Training and Exercise, and also where, with suh Advice as aforesaid, the Lord Lieutenant may see fit so to do, to extend or reduce the Period of Training and Exercise of all or any Part of the Militia, so as the whole Period of Training and Exercise in any Year shall not exceed Fifty-six Days nor be less than Three Days; and no fresh Notice shall be necessary where such Extension or Reduction is made during the Time of actual Training.

Time of Drill not to be reckoned.

XIX. In case any of the Commissioned Officers or Privates of any Regiment, Battalion, or Corps shall previously to the assembling of the same for Training and Exercise, have been sent to their Head Quarters or attached to any Corps of Her Majesty's Regular Forces for Purposes of Instruction, the Time during which they shall have remained at their own Head Quarters or with the said Corps for Instruction as aforesaid shall not be reckoned as any Part of the Period during which any Commissioned Officers and Privates may be kept assembled for Training and Exercise as herein-before provided.

Lieutenant, with Approbation of Lord Lieutenant, to provide Places for Exercise.

XX. It shall be lawful for the Lieutenants of the several Counties, with the Approbation of the Lord Lieutenant, to take on Lease or Hire, for or during such Terms or Periods as they may think necessary, Pieces of Ground convenient for the Training and Exercise of the Militia of such Counties.

Notices of Times and Places of Exercise and in case of embodying Militia, how to be given.

XXI. Notices to Men who are enrolled in the Militia to attend Training and Exercise, or where any Order is made for drawing out and embodying the Militia or any Part thereof, to attend at any Place in pursuance of such Order, shall be sent, by the Order of the Colonel or Commanding Officer of the Regiment, Battalion, or Corps to which such Men belong, by the Post to the Residences of the several Men as stated on their Attestations, or as subsequently notified by them; and Public Notices shall also be sent to the County Inspector or other Chief Officer of the Police of the County, or in the *Dublin* Metropolitan District to the Superintendent of Police, who shall cause the same to be affixed by the Constables of such County or District on the Door or the outer Wall near the Door of every Church and Chapel in each Parish or Place in such County or District, including Places of Public Worship which do not belong to the Established Church; and if any Place have no Church or Chapel, then in such Manner as Public Notices are usually made known in such Places, and on the Doors or outer Walls as aforesaid of the Churches or Chapels of some Parish or Place adjoining; and such Notice so affixed as aforesaid shall be deemed a sufficient Notice to every Person enrolled by virtue of this Act, notwithstanding any Omission to send Notices by Post; and any such Man not appearing at the Time and Place appointed in any such Notice shall be subject to be punished and dealt with accordingly.

Lord Lieutenant may order increased Pay to Militiamen attached to the Artillery.

XXII. It shall be lawful for the Lord Lieutenant, if he think fit, to order and direct that any Militiamen who shall be attached to the Service of the Artillery, and shall do Duty as Artillery Men, shall receive increased Pay, not exceeding such and the like Pay, during the Time of their serving and doing Duty as Artillery Men as aforesaid, as any of the Men serving in the Royal Corps of Artillery are or may be entitled to, and it shall also be lawful for the Lord Lieutenant to direct the same to be paid for such Periods, and under and subject to such Regulations and Restrictions, as he may from Time to Time deem proper and necessary.

Penalties for fraudulent Re-enlistment.

XXIII. Any Militia Volunteer who, before the Expiration of his Engagement as a Militiaman in any Regiment, Battalion or Corps, enrols or offers to enrol himself in any other Regiment, Battalion, or Corps of Militia, whether of the Militia raised in *Ireland* or of the Militia raised in any other Part of the United Kingdom, or in the same Regiment, Battalion, or Corps, whether by the same or by different Names (save in the Way of lawful Renewal of his Engagement), shall, upon Conviction thereof before any One Justice of the Peace, forfeit and pay any Sum not exceeding Ten Pounds, and in default of such Payment shall be imprisoned with or without Hard Labour, for any Time not exceeding Three Months, and shall also be liable to the Deduction out of the Bounty which he might otherwise have received in respect of his original Enlistment of a Sum equal to what he may have received upon his fraudulent Re-enlistment, and of such further Sum as the Colonel or Commanding Officer of the Regiment, Battalion, or Corps in which he may have originally enlisted shall think proper, or as the Secretary-at-War may from Time to Time direct, not exceeding the Expenses of his Attestation and Enrolment on such fraudulent Re-enlistment.

The Justice before whom a Militiaman is convicted of Re-enlistment in the Militia to send Report of Conviction to Secretary-at-War.

XXIV. The Justice before whom a Militia Volunteer shall be convicted of having enrolled or offered to enrol himself in another Regiment, Battalion, or Corps of Militia, or more than once in the same Regiment, Battalion, or Corps of Militia, shall send or cause to be sent to the Secretary-at-War a Report of such Conviction, stating the Name of such Volunteer, the Regiment, Battalion, or Corps of Militia to which he belongs, the Offence of which he has been convicted, and the Sentence or Decision of the Justice thereon, and where such Volunteer shall be imprisoned in pursuance of such Conviction, the Period when the Imprisonment will expire; and for such Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings, and no more; and the Secretary-at-War may transmit to the Justice so convicting an Order for the Payment to any Person who has apprehended and procured the Conviction of such Offender of such Sum not exceeding Twenty Shillings as he shall think fit.

Power to discharge Men from the Militia who have enlisted in the Regular Forces.

XXV. It shall be lawful for the Secretary-at-War at any Time to discharge any Militia Volunteer for Misconduct, Unfitness, or other Cause, upon such Conditions as he may from Time to Time direct, and such Volunteer shall have no Claim to future Pay or Bounty, or to release from future Attendance in the Militia any Volunteer who may have fraudulently enlisted into Her Majesty's Regular Forces or into the Forces of the *East India* Company, or who may have fraudulently entered into Her Majesty's Navy, and who has been sentenced to Imprisonment, or to Forfeiture for a Period not exceeding Eighteen Calendar Months of One Penny a Day from his Pay in such Forces or Navy, and any Man so released shall serve with the Force which he may have enlisted into or entered in the United Kingdom or elsewhere, with the like Liabilities in all respects as any Soldier or Seaman in such respective force, and his Place in the Militia shall be supplied in like Manner as if his Term of Service as a Militiaman had expired by Efflux of Time.

Provision for withholding Payment of Bounty from Men wrongfully absent from Training.

XXVI. Any Bounty which, under the Regulations made under this Act, may be payable during or in respect of Attendance at Training and Exercise shall be forfeited by any Man who wholly absents himself from such Training and Exercise without Leave lawfully granted, or Sickness, certified according to such Regulations; and any such Bounty which would otherwise be payable to any Man who partially absents himself as aforesaid without such Leave, or Sickness, certified as aforesaid, or who misconducts himself during the Training, shall be wholly withheld, or issued only in such Manner and in such Portions as the Secretary-at-War, upon the Report of the Commanding Officer, shall determine.

XXVII. No

Enrolment in Militia not to cause Forfeiture of any Interest in any Benefit Society.

XXVII. No Man, by reason of his Enrolment or Service in the Militia, shall lose or forfeit, or be deemed to have lost or forfeited, any Interest he may possess, or may have possessed at the Time of his so being enrolled or serving, in any Friendly or Benefit Society, any Laws, Rules, or Regulations of such Society to the contrary notwithstanding; and in case any Dispute shall arise between any such Society and any such Man by reason of such Enrolment or Service, it shall be considered as being a Dispute directed by the Rules of such Society to be decided by Justices of the Peace, pursuant to the Provisions of the Acts in force relating to Friendly Societies.

Punishment of Men not attending, or absenting themselves during Training, and not taken till after.

XXVIII. Every Militiaman raised under this Act (not labouring under any certified Infirmity or (Incapacity) who shall not appear at the Time and Place appointed for his being exercised (Notice having been given as by this Act required), or who, having joined the Regiment, Battalion, or Corps to which he belongs, or any Company or Companies or any Detachment or Division thereof, deserts or absents himself during the Time of any such Exercise, shall be deemed a Deserter, and if not taken until after the Time of such Exercise such Deserter shall, upon Conviction thereof before any Justice of the Peace, be liable to forfeit and pay a Sum not exceeding Ten Pounds; and if such Penalty be not immediately paid the said Justice shall sentence such Militiaman to be imprisoned, with or without Hard Labour, for any Period not exceeding Three Months, unless the said Penalty be sooner paid: Provided, that any Information may be laid against such Militiaman under this Section at any Time within the Period of his Engagement in the Militia.

Provision for Apprehension of Militiamen not attending or absenting themselves during Training.

XXIX. The Commanding Officer of any Regiment, Battalion, or Corps of Militia shall notify to the Secretary-at-War and to the Constables or other Officers of the Parishes and Places in which Militiamen reside who have not attended Training and Exercise, or who may have absented themselves during the Time of Training and Exercise of their respective Regiments, Battalions, or Corps, the Names and Descriptions of all such Militiamen who have so absented themselves; and it shall be lawful for any Constable or Officer, or for any Officer or Soldier in Her Majesty's Service or in the Militia, to apprehend or cause any such Militiaman to be apprehended, and to bring him or cause him to be brought before any Justice of the Peace, at any Time within the Period of his Engagement in the Militia, to be dealt with as herein-before mentioned, if the Battalion or Corps to which he belongs has ceased Training and Exercise, or to be committed to safe Custody until an Escort can be sent for him, if such Regiment, Battalion, or Corps be then out for Training and Exercise; and such Justice shall transmit a Report, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, and the Secretary-at-War shall transmit to such Justice an Order for the Payment to the Person or Persons by whom such Militiaman was apprehended and secured of such Sum not exceeding Twenty Shillings as the Secretary-at-War may think fit.

Penalty for inducing Militiamen to absent themselves, &c.

XXX. Any Person who by Words or other Means shall persuade any Militiaman improperly to absent himself from his Duty, and every Person who shall assist or procure any Militiaman improperly to absent himself as aforesaid, or shall conceal, employ, or continue to employ any Militiaman, knowing him to be so improperly absent, shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds.

Penalty for buying Arms or Militia Stores.

XXXI. The Forty-fifth Section of the Act of the Forty-ninth Year of King *George* the Third, Chapter One hundred and twenty, shall be repealed, and if any Person shall knowingly and wilfully buy, take in exchange, conceal, or otherwise receive any Militia Arms, Clothes, or Accoutrements, or any such Articles belonging to a Militiaman as are generally deemed Regimental Necessaries according to the Custom of the Army, being provided for the Soldier, and paid for by Deductions out of his Pay, or any Public Stores or Ammunition delivered for the Militia, upon any Account or Pretence whatsoever, contrary to the true Intent and Meaning of this Act, and of the other Acts in force relating to the Militia, the Person so offending shall for every such Offence forfeit and pay not

exceeding Ten Pounds; and if such Penalty be not immediately paid, and the Offender shall not have sufficient Goods and Chattels whereon to levy the same, the Justice by whom such Offender was convicted shall commit him to the House of Correction or Common Gaol, there to be imprisoned, with or without Hard Labour, for any Period not exceeding Six Months, unless the said Penalty be sooner paid.

Recovery of Penalties.

XXXII. All Offences for which any pecuniary Penalty or Forfeiture is by this Act imposed shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered in *Ireland* under the Provisions of an Act passed in the Session holden in the Twelfth and Thirteenth Years of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in* Ireland *with respect to summary Convictions and Orders.*

12 & 13 Vict. c. 50.

Application of certain Penalties.

XXXIII. One Moiety of every pecuniary Penalty or Forfeiture imposed under this Act upon any Person duly convicted of buying, taken in exchange, concealing, or otherwise receiving contrary to Law any Militia Arms, Clothes, Accoutrements, or Regimental Necessaries belonging to any Militiaman, or any Public Stores or Ammunition for the Service of the Militia, and every pecuniary Penalty or Forfeiture imposed under this Act upon any Person assisting, procuring, or persuading any Militia Volunteer improperly to absent himself from his Duty, or concealing, employing, or continuing to employ any such Volunteer, knowing him to be so improperly absent, shall go to the Person who shall inform or sue for the same, and the other Moiety, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty, shall be paid over and applied in such Manner as the Secretary-at-War shall direct, anything in any other Act to the contrary notwithstanding; and every Justice who shall adjudge any such Penalty or Forfeiture shall, within Four Days at the furthest, report the same and his Adjudication thereof to the Secretary-at-War.

Application of Penalties on Militiamen.

XXXIV. All Penalties imposed by this Act upon Militiamen (except the Deductions from Bounty, which shall be brought to Public Credit) shall be paid to the Commanding Officers of the respective Regiments, Battalions, or other Bodies of Militia of the respective Counties to which the Militiaman belongs, and shall be made and accounted for as Part of the Public Stock of such Regiment, Battalion, or other Body of Militia respectively.

Volunteers under Instruction in the Army to be under Mutiny Act.

XXXV. Any Militia Volunteer attached for a Time for the Purpose of Instruction to any Regiment, Battalion, or Depôt of Her Majesty's Forces shall for such Time be deemed to be under the Operation of the Mutiny Act, in the same Manner as any Soldier enlisted in such Regiment, Battalion, or Depôt.

The Provisions of 49 G. 3. c. 120. as amended to extend to this Act.

XXXVI. All the Provisions of the Act of the Forty-ninth Year of King *George* the Third, Chapter One hundred and Twenty, and of any Act amending the same, or otherwise applicable to the Militia of *Ireland*, not hereby repealed, shall, subject to the Provisions of this Act, and so far as the same are not inconsistent herewith, extend and be applicable to the Militia to be raised under this Act, and to all the Purposes thereof: Provided always, that no general or other Meeting of Lieutenancy shall be held except when specially convened for such Purposes as are by this Act directed to be carried into effect by a General Meeting, or when convened under the Authority of the Lord Lieutenant of *Ireland.*

Notices of General and Subdivision Meetings to be sent to Deputy Lieutenants by Post.

XXXVII. Notices of the Days and Places of holding General Meetings of Lieutenancy shall be sent by the Post by the Clerk of the General Meetings to the several Deputy Lieutenants of the County Seven Days at the least before the Days appointed for holding such Meetings respectively; and any Notices of Subdivision Meetings required to be given to Deputy Lieutenants or others shall be sent by the Clerk of General Meetings by Post.

XXXVIII. The

XXXVIII. The Cost of providing any House or Place for the keeping of the Arms, Accoutrements, Clothing, or other Stores of the Militia, in each County or County of a City in *Ireland*, when not embodied, shall be defrayed by the County and County of a City respectively, and the necessary Sum for that Purpose, and all Arrears in respect of such Cost which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, and all Arrears which may be due in respect of the Allowance payable by the County or County of a City, under the Act now in force, to the Adjutant in respect of his Residence and Accommodation, and for the Cost of providing a House or Place for the Purposes aforesaid, shall be raised by the Presentment of the Grand Jury of such County and County of a City, and in the City of *Dublin* by the Town Council of the Borough of *Dublin* under the Provisions of an Act of the Twelfth and Thirteenth of Her present Majesty, Chapter Ninety-seven, which Presentment the Grand Jury of the County or Town Council respectively shall pass, on a Certificate of the Sum required, signed by the Chief Secretary of the Lord Lieutenant, or in the Absence of such Chief Secretary by the Under Secretary or by the Assistant Under Secretary, without any Application at Presentment Sessions, and the Certificate shall be transmitted by such Chief or Under Secretary or Assistant Under Secretary to the Clerk of the Crown for such County at any Time prior to the First Day of Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term.

Expenses of House for depositing Arms and Stores of the Militia in Ireland to be defrayed by the County or County of a City.

XXXIX. In order to distribute over a Term of Years such Portion of the Expenses of purchasing, building, enlarging, or altering such Places as aforesaid as are hereby directed to be raised by such Grand Jury and Town Council respectively, the Grand Jury of such County, County of a City and County of a Town, at the Assizes, and in the City of *Dublin* the Town Council of the Borough of *Dublin*, may, if they think fit, borrow all or any Part of the Money necessary for the aforesaid Purposes upon Mortgage of the County Cess and Rates of such County, County of a City and County of a Town respectively; and every such Mortgage may be in the Form in the Schedule (A.) to this Act annexed, or to the like Effect, and shall be executed by the Foreman of the Grand Jury present at the Assizes at the Time being, and in the City of *Dublin* by the Lord Mayor of *Dublin* and any Two of the Town Council, and shall be effectual for securing to the Person advancing the Sum in such Mortgage expressed, his Executors, Administrators, and Assigns, the Repayment thereof, with Interest, after the Rate, at the Times, and in the Manner in such Mortgage specified; and any Person entitled to any such Mortgage may transfer his Right and Interest therein to any other Person, such Transfer being made according to the Form in Schedule (B.) to this Act annexed, or to the like Effect; and the Persons to whom such Mortgages or the Transfers thereof are made, their Executors and Administrators, shall be Creditors upon the Rates and Funds thereby expressed to be charged, in an equal Degree one with another according to the respective Sums in such Mortgages mentioned to be advanced by them.

Power to borrow on Mortgage of the County Rates.

XL. The said Grand Jury and Town Council respectively shall in every Year provide for and cause to be paid out of the County Cess of such County, County of a City and County of a Town, and out of the Rates of such Borough of *Dublin*, in the Manner and at the Times in such Mortgages specified, the Monies required for the Time being to pay the Interest on the several Sums borrowed under this Act or the first-recited Act, and then unpaid, and shall also set apart and appropriate a further Sum, not being less than One Thirtieth Part of the Principal Sum originally borrowed upon such Mortgages, and shall apply the same in the Repayment of so much of the said Principal Sums then unpaid as it will extend to discharge, Year by Year, until the whole of such Principal Sums have been repaid; and the said Grand Jury and Town Council respectively shall, by Agreement with the Parties entitled to such Mortgages, or in default of Agreement by such other Means as they deem most equitable and convenient, determine the Order of Priority in which the several Sums advanced shall be repaid.

To provide for Interest on Mortgages and Repayment of Principal.

XLI. It

Power to reborrow.

XLI. It shall be lawful for the said Grand Jury and Town Council respectively, with the Consent of the Parties entitled to such Mortgages, to pay off from Time to Time any of the Monies so borrowed as aforesaid, and to reborrow from Time to Time the Sums necessary for that Purpose, but so nevertheless that all Monies borrowed under this or the first-recited Act shall be repaid within Thirty Years from the Time of first borrowing the same.

Interpretation Clause.

XLII. In the Construction of this Act the Expression "Lord Lieutenant," or "Lord Lieutenant of *Ireland*," shall mean the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and the Expression "the Militia" shall mean the Militia raised in *Ireland*.

Short Title.

XLIII. This Act may be cited for all Purposes as "The Militia (*Ireland*) Act, 1854."

SCHEDULE (A).

Form of Mortgage.

By virtue of the "Militia (Ireland) Act, 1854," I *A. B.*, Foreman of the Grand Jury of [*or* Lord Mayor and Town Councillors, *as the Case may be*], in consideration of the Sum of paid to the Treasurer of the said County [*or* City *or* Borough] by *A. B.* of for the Purposes of the said Act, do grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the [*here describe the Rates or Property intended to be mortgaged*] as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said to hold to the said *A. B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of with Interest at per Centum per Annum for the same, shall be fully paid and satisfied (the principal Sum to be repaid within not less than Years from the Date hereof). In witness whereof we have hereunto set our Hands and Seals [*or*, Given under our Corporate Seal], this Day of 18 .

(L.S.)

SCHEDULE (B.)

Form of Assignment of Mortgage.

I *A. B.* of in consideration of the Sum of paid to me by *C. D.* of do hereby assign* to the said *C. D.*, his Executors, Administrators, and Assigns, a certain Mortgage numbered made by the Foreman of the Grand Jury of [*or* the Lord Mayor and Town Council of the Borough of Dublin, *as the Case may be*], bearing Date the Day of for securing the Sum of and Interest thereon, [*or* (*if such Transfer be by Endorsement*)* the within Security,] and all my Right and Interest to and in the Monies thereby secured, and the Rates [*or* Lands, Tenements, and Hereditaments] thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of 18 .

(L.S.)

SCHE-

SCHEDULE (C).

DESCRIPTIVE RETURN of the Day of Regiment of Militia. committed to Confinement at as an Absentee from the Training of the on

Age		
Height	Feet.	Inches.
Complexion		
Hair		
Eyes		
Marks		
Probable Date of Enrolment, and where		
Probable Date of absenting himself, and from what Place		
Name, Occupation, and Address of the Person by whom apprehended*		
Particulars in the Evidence on which the Prisoner is committed: and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds, and whether committed for safe Custody only, or as a Deserter under this Act, and if so, for what Period		

* It is important for the Public Service, and for the Interest of the Prisoner, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he† absent himself from the before-mentioned Corps.

_____ *Signature and Address of Magistrate.*

_____ *Signature of Prisoner.*

_____ *Signature of Informant.*

† Insert "did" or "did not" as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

_____ *Signature of Military Medical Officer, or of* ‖ *Private Medical Practitioner.*

‡ Insert "fit" or "unfit" as the Case may be; and if unfit state the Cause of Unfitness.

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.